

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

SIR ARTHUR HEIM FOR  
CITIZENS SUIT, and United States  
of America,

Plaintiff,

V.

U.S. ATTORNEY GENERALS  
ERIC HOLDER, et al.,

Defendants.

8:11CV376

# MEMORANDUM AND ORDER

This matter is before the court on Plaintiff's Notice of Appeal. (Filing No. [58](#).) The court dismissed Plaintiff's Complaint on April 30, 2012, because it lacked subject-matter jurisdiction. (Filing No. [45](#).) The Notice of Appeal is timely filed pursuant to [Federal Rule of Appellate Procedure 4\(a\)\(4\)\(A\)](#). However, Plaintiff has not submitted an application to proceed in forma pauperis on appeal or paid the appellate filing fee. The court will provide Plaintiff the opportunity to do so.

IT IS THEREFORE ORDERED that:

1. Plaintiff shall have until **February 7, 2013**, in which to either pay the \$455.00 appellate filing fee or submit a motion for leave to proceed in forma pauperis on appeal.
2. The Clerk of the court shall send to Petitioner the Form AO240, Application to Proceed Without Prepayment of Fees and Affidavit.
3. The Clerk of the court is directed to set a pro se case management deadline in this matter with the following text: February 7, 2013: Deadline to submit IFP on appeal or pay filing fee.

4. The Clerk of the Court shall not accept further filings from Plaintiff in this matter except for an application to proceed in forma pauperis on appeal. (*See* Filing No. [57](#).)

DATED this 7th day of January, 2013.

BY THE COURT:

*Richard G. Kopf*

Senior United States District Judge

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